

IN THE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MAR 19 2004

RECEIVED

CLERK, U.S. DISTRICT COURT

U.S.A. ex rel	)	
William Carini	)	No. 03 C 9416
Petitioner	)	
VS.	)	Honorable
Stephen Mote, warden	)	Suzanne B. Conlon
pontiac corr ctr	)	Judge presiding
Respondent	)	

MAR 19 2004

MOTION FOR LEAVE TO PROCEED ON APPEAL INFORMA PAUPERIS

Now comes petitioner, pro se William Carini and pursuant to 28 U.S.C. sec. 1915 and respectfully moves this court for leave to proceed on appeal informa pauperis. From the district courts judgement entered on 3/2/04 denial thereof petitioner's petition for writ of habeas corpus relief, from state court conviction.

In support thereof:

- 1) petitioner was prior granted leave of this court to file his petition for writ of habeas corpus relief informa pauperis on 1/2/04
- 2) That above said prior application of financial affidavit to proceed informa pauperis a copy of which is attached here to this motion present and made part thereof this motion by reference herein wherefore petitioner's financial status is unchanged as a indigent person.
- 3) That petitioner has meritous federal constitutional issues and claims to further for review on appeal in this action.

Wherefore petitioner prays this court grant him leave to appeal informa pauperis and further for this court to order the appointment of counsel to repersent petitioner on appeal.

Date 3-15-04

Respectfully Submitted

/s/ William Carini

William Carini I.D. # N51235  
pontiac corr ctr po box 99  
pontiac IL 61764

7/18/02

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOISMAR 18 2004  
CLERK, U.S. DISTRICT COURTIN FORMA PAUPERIS APPLICATION  
AND  
FINANCIAL AFFIDAVITWILLIAM CARINI I.D. # N51235~~XXXXXXXXXX~~

PETITIONER

v.

WARDEN, STEPHEN MOTE  
PONTIAC CORR CTR ILLDOCCASE NUMBER 03 C 9416JUDGE SUZANNE B. CONLON~~XXXXXXXXXX~~  
RESPONDENT

Wherever ☐ is included, please place an X into whichever box applies. Wherever the answer to any question requires more information than the space that is provided, attach one or more pages that refer to each such question number and provide the additional information. Please PRINT:

I, WILLIAM CARINI, declare that I am the ☐ plaintiff ☒ petitioner ☐ movant (other \_\_\_\_\_) in the above-entitled case. This affidavit constitutes my application ☐ to proceed without full prepayment of fees, or ☐ in support of my motion for appointment of counsel, or ☒ both. I also declare that I am unable to pay the costs of these proceedings, and that I am entitled to the relief sought in the complaint/petition/motion/appeal. In support of this petition/application/motion/appeal, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No," go to Question 2)  
I.D. # N51235 Name of prison or jail: PONTIAC CORR CTR  
Do you receive any payment from the institution? ☒ Yes ☐ No Monthly amount: 10.00
2. Are you currently employed? ☐ Yes ☒ No  
Monthly salary or wages: \_\_\_\_\_  
Name and address of employer: \_\_\_\_\_  
  - a. If the answer is "No":  
Date of last employment: 9/5/00  
Monthly salary or wages: 45.00  
Name and address of last employer: IL RIVER CORR CTR
  - b. Are you married? ☐ Yes ☒ No  
Spouse's monthly salary or wages: \_\_\_\_\_  
Name and address of employer: \_\_\_\_\_
3. Apart from your income stated above in response to Question 2, in the past twelve months have you or anyone else living at the same address received more than \$200 from any of the following sources? Mark an X in either "Yes" or "No", and then check all boxes that apply in each category.
  - a. Salary or wages ☐ Yes ☒ No  
Amount \_\_\_\_\_ Received by \_\_\_\_\_

b. ☐ Business, ☐ profession or ☐ other self-employment ☐ Yes ☒ No  
 Amount \_\_\_\_\_ Received by \_\_\_\_\_

c. ☐ Rent payments, ☐ interest or ☐ dividends ☐ Yes ☒ No  
 Amount \_\_\_\_\_ Received by \_\_\_\_\_

d. ☐ Pensions, ☐ social security, ☐ annuities, ☐ life insurance, ☐ disability, ☐ workers' compensation, ☐ unemployment, ☐ welfare, ☐ alimony or maintenance or ☐ child support ☐ Yes ☒ No  
 Amount \_\_\_\_\_ Received by \_\_\_\_\_

e. ☐ Gifts or ☐ inheritances ☐ Yes ☒ No  
 Amount \_\_\_\_\_ Received by \_\_\_\_\_

f. ☒ Any other sources (state source: GIFTS/FAMILY) ☒ Yes ☐ No  
 Amount 50.00 Received by william carini

**for health care needs and minimal legal copy costs**

4. Do you or anyone else living at the same address have more than \$200 in cash or checking or savings accounts? ☐ Yes ☒ No Total amount: \_\_\_\_\_  
 In whose name held: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

5. Do you or anyone else living at the same address own any stocks, bonds, securities or other financial instruments? ☐ Yes ☒ No  
 Property: \_\_\_\_\_ Current Value: \_\_\_\_\_  
 In whose name held: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

6. Do you or anyone else living at the same address own any real estate (houses, apartments, condominiums, cooperatives, two-flats, three-flats, etc.)? ☐ Yes ☒ No  
 Address of property: \_\_\_\_\_  
 Type of property: \_\_\_\_\_ Current value: \_\_\_\_\_  
 In whose name held: \_\_\_\_\_ Relationship to you: \_\_\_\_\_  
 Amount of monthly mortgage or loan payments: \_\_\_\_\_  
 Name of person making payments: \_\_\_\_\_

7. Do you or anyone else living at the same address own any automobiles, boats, trailers, mobile homes or other items of personal property with a current market value of more than \$1000? ☐ Yes ☒ No  
 Property: \_\_\_\_\_  
 Current value: \_\_\_\_\_  
 In whose name held: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute monthly to their support. If none, check here ☒ No dependents

I declare under penalty of perjury that the above information is true and correct. I understand that pursuant to 28 U.S.C. § 1915(e)(2)(A), the court shall dismiss this case at any time if the court determines that my allegation of poverty is untrue.

Date: 12-12-03

William Carini

Signature of Applicant

William Carini

(Print Name) I.D. # N51235

**NOTICE TO PRISONERS:** A prisoner must also attach a statement certified by the appropriate institutional officer or officers showing all receipts, expenditures and balances during the last six months in the prisoner's prison or jail trust fund accounts. Because the law requires information as to such accounts covering a full six months before you have filed your lawsuit, you must attach a sheet covering transactions in your own account--prepared by each institution where you have been in custody during that six-month period--and you must also have the Certificate below completed by an authorized officer at each institution.

#### CERTIFICATE

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant named herein, William Carini, I.D.# N51235, has the sum of \$ 23.34 on account to his/her credit at (name of institution) Pontiac Correctional Center

I further certify that the applicant has the following securities to his/her credit: \_\_\_\_\_. I further certify that during the past six months the applicant's average monthly deposit was \$ 10

(Add all deposits from all sources and then divide by number of months).

12/12/03

DATE

Jennifer Carlson

SIGNATURE OF AUTHORIZED OFFICER

Jennifer Carlson

(Print name)

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## Inmate Transaction Statement

REPORT CRITERIA - Date: 06/12/03 thru End; Inmate: N51235; Active Status Only ? : Yes; Print  
 Restrictions ? : Yes; Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include  
 Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: N51235 Carini, William E.

Housing Unit: PON-SP-05-16

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
Beginning Balance:							16
06/18/03	Point of Sale	60 Commissary	169755	132330	Commissary	-12.33	15
06/25/03	Point of Sale	60 Commissary	176758	132973	Commissary	-5.15	15
07/09/03	Point of Sale	60 Commissary	190755	133878	Commissary	-9.75	14
07/11/03	Payroll	20 Payroll Adjustment	192120		P/R month of 06/2003	10.00	15
07/23/03	Point of Sale	60 Commissary	204758	135137	Commissary	-7.85	14
07/31/03	Disbursements	84 Library	212323	Chk #45755	325098 - DOC: Library Copies	-5.10	13
07/31/03	Disbursements	84 Library	212323	Chk #45755	322702 - DOC: Library Copies	-4.55	13
08/04/03	Disbursements	81 Legal Postage	216323	Chk #45761	325200 - DOC: Postage	-1.06	13
08/04/03	Disbursements	81 Legal Postage	216323	Chk #45761	325199 - DOC: Postage	-3.85	12
08/04/03	Disbursements	80 Postage	216323	Chk #45761	322908 - DOC: Postage	-.60	12
08/04/03	Disbursements	81 Legal Postage	216323	Chk #45761	322817 - DOC: Postage	-3.13	12
08/04/03	Disbursements	81 Legal Postage	216323	Chk #45761	322753 - DOC: Postage	-.83	12
08/04/03	Disbursements	80 Postage	216323	Chk #45761	322907 - DOC: Postage	-.60	12
08/06/03	Point of Sale	60 Commissary	218758	136084	Commissary	-17.51	10
08/08/03	Payroll	20 Payroll Adjustment	220118		P/R month of 07/2003	10.00	11
08/12/03	Disbursements	84 Library	224320	Chk #45862	326572 - DOC: Library Copies	-.45	11
08/12/03	Disbursements	84 Library	224320	Chk #45862	326372 - DOC: Library Copies	-.40	11
08/12/03	Disbursements	84 Library	224320	Chk #45862	326573 - DOC: Library Copies	-.25	11
08/12/03	Disbursements	81 Legal Postage	224320	Chk #45863	326206 - DOC: Postage	-4.42	11
08/13/03	Point of Sale	60 Commissary	225758	136761	Commissary	-14.33	9
09/03/03	Point of Sale	60 Commissary	246758	138316	Commissary	-20.23	7
09/03/03	Disbursements	84 Library	246323	Chk #46299	330107 - DOC: Library Copies	-7.05	6
09/03/03	Disbursements	84 Library	246323	Chk #46299	330613 - DOC: Library Copies	-.90	6
09/03/03	Disbursements	84 Library	246323	Chk #46299	328257 - DOC: Library Copies	-.30	6
09/03/03	Disbursements	84 Library	246323	Chk #46299	329064 - DOC: Library Copies	-4.20	6
09/03/03	Disbursements	84 Library	246323	Chk #46299	328653 - DOC: Library Copies	-.80	6
09/03/03	Disbursements	84 Library	246323	Chk #46299	330124 - DOC: Library Copies	-.35	6
09/03/03	Disbursements	81 Legal Postage	246323	Chk #46300	329770 - DOC: Postage	-2.90	6
09/03/03	Disbursements	81 Legal Postage	246323	Chk #46300	329772 - DOC: Postage	-2.90	6
09/03/03	Disbursements	81 Legal Postage	246323	Chk #46300	329774 - DOC: Postage	-3.95	5
09/03/03	Disbursements	81 Legal Postage	246323	Chk #46300	330400 - DOC: Postage	-.23	5
09/03/03	Disbursements	80 Postage	246323	Chk #46300	330970 - DOC: Postage	-1.06	5
09/12/03	Payroll	20 Payroll Adjustment	255120		P/R month of 08/2003	10.00	6
09/12/03	Disbursements	84 Library	255323	Chk #46450	331638 - DOC: Library Copies	-2.55	5
09/12/03	Disbursements	84 Library	255323	Chk #46450	332108 - DOC: Library Copies	-1.00	5
09/12/03	Disbursements	81 Legal Postage	255323	Chk #46451	332069 - DOC: Postage	-.46	5
09/12/03	Disbursements	81 Legal Postage	255323	Chk #46451	332071 - DOC: Postage	-.23	5
09/12/03	Disbursements	81 Legal Postage	255323	Chk #46451	331669 - DOC: Postage	-.60	5
09/12/03	Disbursements	81 Legal Postage	255323	Chk #46451	331671 - DOC: Postage	-1.29	5
09/17/03	Point of Sale	60 Commissary	260758	139596	Commissary	-7.21	4
10/01/03	Point of Sale	60 Commissary	274758	140276	Commissary	-17.97	3
10/03/03	Disbursements	84 Library	276323	Chk #46712	335757 - DOC: Library Copies	-.85	3
10/03/03	Disbursements	81 Legal Postage	276323	Chk #46713	335446 - DOC: Postage	-1.29	3

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Inmate Transaction Statement

REPORT CRITERIA - Date: 06/12/03 thru End; Inmate: N51235; Active Status Only ? : Yes; Print  
 Restrictions ? : Yes; Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include  
 Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: N51235 Carini, William E.

Housing Unit: PON-SP-05-16

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
10/03/03	Disbursements	90 Medical Co-Pay	276323	Chk #46729	333071 - DOC: Medical Co-Pay	-2.00	20.00
10/10/03	Payroll	20 Payroll Adjustment	283123		P/R month of 09/2003	10.00	30.00
10/29/03	Point of Sale	60 Commissary	302703	142539	Commissary	-20.34	10.00
11/03/03	Mail Room	01 Money Order, Cert or C	307259	03500/64266	Apel, John	50.00	60.00
11/07/03	Payroll	20 Payroll Adjustment	311120		P/R month of 10/2003	10.00	70.00
11/12/03	Point of Sale	60 Commissary	316758	143650	Commissary	-8.56	61.44
11/12/03	Disbursements	84 Library	316320	Chk #47297	340212 - DOC: Library Copies	-.35	61.09
11/12/03	Disbursements	84 Library	316320	Chk #47297	338945 - DOC: Library Copies	-1.25	60.00
11/12/03	Disbursements	84 Library	316320	Chk #47297	341003 - DOC: Library Copies	-.25	59.75
11/12/03	Disbursements	81 Legal Postage	316320	Chk #47298	341082 - DOC: Postage	-2.21	57.54
11/12/03	Disbursements	80 Postage	316320	Chk #47298	340112 - DOC: Postage	-.60	56.94
11/12/03	Disbursements	81 Legal Postage	316320	Chk #47298	338811 - DOC: Postage	-1.52	55.42
11/12/03	Disbursements	81 Legal Postage	316320	Chk #47298	341946 - DOC: Postage	-2.67	52.75
11/12/03	Disbursements	90 Medical Co-Pay	316320	Chk #47302	338602 - DOC: Medical Co-Pay	-2.00	50.75
11/12/03	Disbursements	90 Medical Co-Pay	316320	Chk #47302	342202 - DOC: Medical Co-Pay	-2.00	48.75
11/19/03	Point of Sale	60 Commissary	323758	144315	Commissary	-7.89	40.86
12/03/03	Point of Sale	60 Commissary	337758	144931	Commissary	-9.29	31.57
12/05/03	Payroll	20 Payroll Adjustment	339120		P/R month of 11/2003	10.00	41.57
12/08/03	Disbursements	84 Library	342323	Chk #47496	346366 - DOC: Library Copies	-1.00	40.57
12/08/03	Disbursements	81 Legal Postage	342323	Chk #47497	346417 - DOC: Postage	-1.52	39.05
12/08/03	Disbursements	81 Legal Postage	342323	Chk #47497	344197 - DOC: Postage	-.23	38.82
12/08/03	Disbursements	80 Postage	342323	Chk #47497	347135 - DOC: Postage	-1.11	37.71
12/10/03	Point of Sale	60 Commissary	344758	145743	Commissary	-20.41	17.30

Total Inmate Funds: 20.00

Less Funds Held For Orders:

Less Funds Restricted:

Funds Available: 20.00

Total Furloughs:

Total Voluntary Restitutions:

STATE OF ILLINOIS            )  
COUNTY OF LIVINGSTON    )   SS  
                                  )

FILED  
MAR 18 2004  
CLERK OF DISTRICT COURT

AFFIDAVIT

I William Carini, pro se petitioner incorporates this affidavit wherein he deposes and says, that as to all notices, motions and matters herein he is the petitioner as stated above and that he has read all the foregoing documents by him signed and that the statements contained therein are true in substance and fact to the best of his information, knowledge and belief.

Under penalties provided pursuant to 28 U.S.C. sec. 1746

Date 3-15-04

/s/ William Carini

William Carini

I.D. # N51235

pontiac corr ctr po box 99

pontiac IL 61764